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October 28, 2008

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution relating to the claim of Edward V. Madritsch
C.I. File No. 08-L-82

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and as that it be introduced to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Edward V. Madritsch, 5854 North 35th Street, Milwaukee, WI 53209-4061 alleges that on June 7, 2008 he sustained damages when a City sewer backed up into his basement due to a slow and incorrect response by the City to the claimant's property and a faulty City inspection system of the sewer overflow pump located at North 35th Street and Oriole Drive. He claims damages in the amount of \$7,700.00.

Our investigation reveals that the Infrastructure Services Division records indicate that because of the large amount and strong intensity of the rain during the weekend of June 7, 2008 they received hundreds of calls regarding backwaters. The Sewer Maintenance Division utilized their Sewer Investigators and all of their crews to respond to the calls and did so as quickly as possible.

With regard to the sewer overflow pump, the Division did find following the storm that the pump at North 35th Street and West Oriole was inoperable. They were not aware of any problems with it, however, prior to the storm.

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There are monthly maintenance checks for all pumps. This pump was last checked on May 13, 2008 and it was found to be working properly. There had been no complaints, either before or after this inspection, about the pump.

The City was not negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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JAS:beg
Enclosure
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